- (i) Short-term sales and transmission and exchange activities means the portion of the Commission's electric regulatory program consisting of the regulation of all jurisdictional sales, exchange and transmission of capacity and energy except those described in paragraph (h) of this section. This includes exchange delivered as reported in the FERC Form No. 1 in Account 555 as Gross Exchange Delivered transactions with the statistical classification of EX or gross exchange delivered determined on a basis consistent with FERC Form No. 1 reporting for those public utilities exempt from § 141.1 of this chapter. All MWhs attributable to sales and transmission transactions are to be reported in their respective accounts in the FERC Form No. 1 irrespective of the method of billing.
- (j) Long-term firm sales and transmission megawatt-hours means the number of megawatt-hours of electrical energy associated with the transactions described in paragraph (h) of this section, and the rates, charges, terms and conditions of which are regulated by the Commission.
- (k) Short-term sales and transmission and exchange megawatt-hours means the number of megawatt-hours of electrical energy associated with the transactions described in paragraph (i) of this section, the rates, charges, terms and conditions of which are regulated by the Commission.
- 26. In § 382.201, paragraph (a) and (b) are revised and the worksheet in paragraph (b)(4)(ii) is removed, to read as follows:

# § 382.201 Annual charges under Parts II and III of the Federal Power Act and related statutes.

(a) Determination of costs to be assessed against public utilities. The adjusted costs of administration of the electric regulatory program, excluding the costs of regulating the Power Marketing Agencies and any electrical programs for which separate application fees are collected, will be apportioned between long-term firm sales and transmission activities and short-term sales and transmission and exchange activities in proportion to the total staff time dedicated to each. The amount apportioned to long-term firm sales and transmission activities will constitute long-term firm sales and transmission costs, and the amount apportioned to short-term sales and transmission and exchange activities will constitute shortterm sales and transmission and exchange costs.

- (b) Determination of annual charges to be assessed against public utilities. (1) The long-term firm sales and transmission costs determined under paragraph (a) of this section will be assessed against each public utility based on the proportion of the long-term firm sales and transmission megawatthours of each public utility in the immediately preceding reporting year (either a calendar year or fiscal year, depending on which accounting convention is used by the public utility to be charged) to the sum of the longterm firm sales and transmission megawatt-hours in the immediately preceding reporting year of all public utilities being assessed annual charges.
- (2) The short-term sales and transmission and exchange costs determined under paragraph (a) of this section will be assessed against each public utility based on the proportion of the short-term sales and transmission and exchange megawatt-hours of each public utility in the immediately preceding reporting year (either a calendar year or fiscal year, depending on which accounting convention is used by the public utility to be charged) to the sum of the short-term sales and transmission and exchange megawatthours in the immediately preceding reporting year of all public utilities being assessed annual charges.
- (3) The annual charges assessed against each public utility will be the sum of the amounts determined in paragraphs (b)(1) and (b)(2) of this section.
- (4) Reporting requirement. For purposes of computing annual charges, a public utility, as defined in § 382.102(b) must submit under oath to the Office of the Secretary by April 30 of each year an original and conformed copies of the following information (designated as FERC Reporting Requirement No. 582):
- (i) The total annual long-term firm sales for resale and transmission megawatt-hours as defined in § 382.102(j); and
- (ii) The total annual short-term sales, transmission and exchange megawatthours as defined in § 382.102(k).

## PART 385—RULES OF PRACTICE AND PROCEDURE

27. The authority citation for Part 385 continues to read as follows:

**Authority:** 5 U.S.C. 551–557; 15 U.S.C. 717–717z, 3301–3432; 16 U.S.C. 791a–825r, 2601–2645; 31 U.S.C. 9701; 42 U.S.C. 7101–7352; 49 U.S.C. 60502; 49 App. U.S.C. 1–85.

#### § 385.702 [Amended]

28. In § 385.702, paragraph (b) is removed, and paragraph (c) is redesignated paragraph (b).

#### § 385.708 [Amended]

29. In § 385.708, in paragraph (b)(1), the phrase "and, if appropriate under Rule 717, a written revised initial decision" is removed; in paragraph (b)(2)(i), the phrase "or oral revised initial" is removed; in paragraph (b)(3), the phrase "or, if appropriate under Rule 717, any revised initial decision" is removed; in paragraph (b)(4), the phrase "as appropriate" is removed and the phrase "or revised initial" is removed in both places where it appears; in paragraph (c), in the heading the phrase "and revised initial" is removed; in paragraph (c)(1), the phrase "or, if appropriate, the revised initial decision" is removed; in paragraph (c)(2), the phrase "or revised initial" is removed; and in paragraph (d), in the heading the phrase "and revised initial" and in the text the phrase "or, if appropriate under Rule 717, a revised initial decision" are removed.

30. In § 385.711, in the heading the phrase "or revised initial" is removed, and in paragraph (a)(1)(i), the phrase "In proceedings not subject to Rule 717," is removed, and the word "Any" is capitalized.

#### § 385.712 [Amended]

31. In § 385.712, in the heading the phrase "and revised initial" is removed and in paragraph (a) the phrase "or revised initial" is removed.

### § 385.713 [Amended]

32. In § 385.713, in paragraph (a)(2)(i), the phrase "or, if appropriate under Rules 717 and 711, to a revised initial decision" is removed; in paragraph (a)(2)(iv), the phrase "or revised" is removed; and in paragraph (a)(3), the phrase "or any revised initial decision under Rule 717" is removed.

#### § 385.717 [Removed]

33. Section 385.717 is removed. [FR Doc. 95–1449 Filed 1–24–95; 8:45 am] BILLING CODE 6717–01–P